(4) *Recommendations of the Law Commission in its 170th Report:—*

(i) Omission of definition of legislature party.

(ii) New definition of political party to include pre-election fronts and coalitions for the purpose of Tenth Schedule.

(iii) Doing away with the concept of split and merger.

(iv) The question of disqualification for membership of Lok Sabha/ State Legislative Assemblies, after election be entrusted to the President/Governor for decision.

(5) *Recommendation of the National Commission to Review the Working of the Constitution:—*

The Provision of the Tenth Schedule of the Constitution should be amended specifically to provide that all persons defecting—whether individually or in groups—from the party or the alliance of parties, on whose ticket they had been elected, must resign from their Parliamentary or Assembly seats and must contest fresh elections. In other words such persons should lose their membership and the protection under the provision of split etc. should be scrapped. The defectors should also be debarred from holding any public office as Ministers or any other remunerative political post for at least the duration of the remaining term of the existing Legislature of unitl, the next fresh elections whichever is earlier. The vote cast by a defector to topple a Government should be treated as invalid. Further, the power to decide question regarding disqualification on ground of defection should vest in the Election Commission instead of the Chairman or Speaker of the House concerned.

Misuse of the Contempt of Courts Act, 1971

1958. PROF. RAM DEO BHANDARY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government have assessed misuse of provisions of the Contempt of Courts Act, 1971;

(b) if so, the details thereof;

(c) whether it is proposed to amend the present Act in order to introduce the element of 'truth' as a defence for a person accused of such contempt; and

(d) if so, by when the amendment is likely to be brought before Parliament?

THE MINISTER OF LAW AND JUSTICE (SHRI ARUN JAITLEY): (a) to (d) The provisions of the Contempt of Courts Act, 1971 were thoroughly reviewed in pursuance of the suggestion of the P.C. Jain Commission set up by the Government to review the Administrative Laws and it was then decided not to amend the Contempt of Courts Act, 1971.

National Commission to Review the Working of Constitution

1959. DR. ABRAR AHMED: Will the Minister of LAW AND JUSTICE be pleased to state the status of the report of National Commission fo Review the Working of the Constitution?

THE MINISTER OF LAW AND JUSTICE (SHRI ARUN JAITLEY): The National Commission to Review the Working of the Constitution (NCRWC) submitted its report to the Government on 31st March, 2002. The full text of the report of the Commission has been put on the Internet and the report has also been forwarded to all Ministries/Departments for examining and processing the same. Action on the recommendations lies with the Ministries/Departments of the Government of India, which are administratively concerned with the subject-matter of the recommendations.

NHRC for amendments In the Advocates Act

1960. SHRI P. PRABHAKAR REDDY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the National Human Rights Commission has underlined the need for amending the Advocates Act to put in place a mechanism for dealing with complaints of sexual harassment in legal profession;

(b) if so, the details thereof and the reasons adduced by the Commission in favour of the proposal; and